CITY OF DAYTON

SPECIAL COUNCIL MEETING

June 16, 2020

A special meeting of city council held on Tuesday, June 16, 2020, at 7:00 p.m. Due to the current pandemic, the meeting was viewable to the public via electronic media and the web. The link to the meeting is posted to the Dayton’s website at [www.daytonky.com](http://www.daytonky.com) and the Facebook page 48 hours prior to the meeting.

Mayor Baker opened the meeting with a silent prayer and led the Pledge of Allegiance.

Roll Call:

Mayor Baker Present Member Burns Present

Member Volter Present Member Lynn Present

Member Neary Present City Adm. Giffen Present

Member Beseler Present City Att. Edge Present

Member Cornett Present

Mayor’s Report:

In recent weeks racism has made national headlines. The City of Dayton does not support racism of any kind. The city mourns the deaths of Breonna Taylor and George Floyd. The city welcomes many diverse races, nationalities, and religions. We will continue to work alongside our neighbors, staff, and elected officials to ensure that everyone feels welcome.

The city is proud of Dayton’s graduating high school class of 2020. There was a drive-thru parade to commemorate their graduating. The city is working with state leaders regarding how the city can operate under the COVID-19 guidelines. The city also added lights and picnic tables around town to offer more of an outdoor dining experience, or you can order carry-out to support the local restaurants.

The city has been working with NKY Water Company and SD1 on fixing the underlining and structural issues on Ervin Terrace. Ervin Terrace road is completed, and this was all done with minimal tax dollars used. NKY Water and SD1 paid most of the cost. A big thanks to those companies and the Public Works Department, and the citizens on Ervin Terrace. The project was a huge success.

Motion by Member Neary, seconded by Member Volter, to approve the April 21 and May 5, 2020 minutes. Motion carried- so ordered.

First Reading:

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2020-#5**

**AN ORDINANCE AMENDING AND REGULATING THE USE OF MOTOR VEHICLES AS IT RELATES TO LITTERING AND RELEASE OF FOREIGN MATTERS ONTO CITY STREETS AND SIDEWALKS.**

**WHEREAS,** the City finds that the health, safety and welfare of the citizens is gravely impacted by discharge of litter and other foreign matters throughout the City and in particular onto City Streets and Sidewalks; and

**WHEREAS,** the City desires to amend and add to City Ordinance in order to provide clarification and improve enforcement of existing ordinances in place to mitigate these issues.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

## Section I

## That City of Dayton Ordinance 94.99 is amended as follows:

**§ 94.99 PENALTY.**

(A) The owner of any motor vehicle or other mobile unit who violates § 94.01, 94.02 or 94.03 shall be subject to a civil offense with a civil fine of $75. Unless paid or timely appealed, said fine shall be increased to $150.

(B) Whoever violates any of the provisions of this chapter for which no other penalty has been specifically provided shall be fined in accordance with the City Civil Fine Schedule. [~~not more than five hundred dollars ($500.00). Each day the violation is committed or permitted to continue shall constitute a separate offense.~~]

## 

## Section II

## That the following sections are added City of Dayton Ordinance:

**§ 71.10 SPILLAGE PREVENTION DEVISES.**

Any vehicle equipped with a device suitable for prevention of spillage as required under KRS 189.150 shall ensure such device is engaged and covering the load area of the vehicle when operating or in transit on City streets regardless of whether the vehicle is carrying a load or is empty.

## Section III

## That City of Dayton Ordinance 71.99 is amended as follows:

**§ 71.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which no other penalty is specifically provided shall be guilty of a violation and shall be fined not less than $20 nor more than $250.

(B) Any person who violates § 71.26 shall be guilty of a misdemeanor and shall be fined not less than $60 nor more than $500 or be imprisoned in the county jail for not more than 30 days, or both. (KRS 189.993 (8))

(C) Any person who violates the provisions of § 71.77 shall be guilty of a Class B misdemeanor and be subject to a fine, jail time, or both in accordance with the penalties for a Class B misdemeanor provided in the Kentucky Revised Statutes.

(D) The owner of any motor vehicle or other mobile unit who violates § 71.10 shall be subject to a civil offense with a civil fine of $75. Unless paid or timely appealed, said fine shall be increased to $150.

## Section IV

## This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, and shall be in effect at the earliest time provided by law.

**PASSED** by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: June 16, 2020

Second Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2020-#6**

**AN ORDINANCE ADOPTING THE CITY OF DAYTON, KENTUCKY'S ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, & ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE CITY TO THE FULL EXTENT AUTHORIZED BY KRS 82.082 AND INTERPRETATIVE CASE LAW.**

**BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

## Section I: That the annual budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021 to estimate revenues and resources and appropriate funds for the City to the full extent authorized by KRS 82.082 and interpretative case law, is hereby adopted as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Resource Available** | **General Fund** | **Municipal Road Aid** | **Parks** |
| **Fund Balance Forward** | 247,141 | 140,000 | 47,074 |
|  |  |  |  |
| **ESTIMATED REVENUES:** |  |  |  |
| Transfers from other Accounts/Funds |  |  |  |
| Property Tax | 1,740,200 |  | 115,000 |
| Licenses and Permits | 1,332,400 |  |  |
| Intergovernmental | 82,400 | 93,500 |  |
| Fines & Penalties | 91,000 |  |  |
| Charges for Services | 411,250 |  |  |
| Other | 1,200,330 |  | 2,000 |
| Interest | 30,000 | 700 | 200 |
| **Total Estimated Revenue** | 4,887,580 |  |  |
|  |  |  |  |
| **Total Resources Available for Appropriation** | 5,134,721 | 234,200 | 164,274 |
|  |  |  |  |
| **APPROPRIATIONS:** |  |  |  |
| General Government | 514,728 |  |  |
| Police Department | 1,427,742 |  |  |
| Fire Department | 964,382 |  |  |
| Public Works | 372,111 | 30,000 | 65,000 |
| Building Services | 86,488 |  |  |
| Waste Collection | 225,000 |  |  |
| Professional Services | 1,459,945 | 204,200 |  |
| Main Street | 84,325 |  |  |
| Park Maintenance |  |  | 12,500 |
| Utilities/Operations |  |  | 28,200 |
| Repair/Maintenance |  |  | 10,500 |
| Miscellaneous |  |  | 1,000 |
| **Total Appropriations** | 5,134,721 | 234,200 | 109,600 |
|  |  |  |  |
| **Excess of resources over/under appropriations** | 0 | 0 | 47,074 |
| Transfers to other funds | 0 | 0 |  |
| **Estimated fund balances** | 0 | 0 | 47,074 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Resource Available** | **Economic Development** | **Sargeant Park Trust Fund** | **TIF** | **Capital Outlay** |
| **Fund Balance Forward** | 750,431 | 38,358 | 1,500 | 0 |
|  |  |  |  |  |
| **ESTIMATED REVENUES:** |  |  |  |  |
| Transfers from other Accounts/Funds |  |  |  |  |
| Transfers from Reserves |  |  |  | 249,236 |
| Charges for Services |  |  |  |  |
| Land Sale Payment |  |  |  |  |
| Other (Taxes/Interest) | 1,000 | 200 | 125,000 |  |
| Intergovernmental | 0 |  |  |  |
| **Total Estimated Revenue** | 1,000 | 200 | 125,000 |  |
|  |  |  |  |  |
| **Total Resources Available for Appropriation** | 751,431 | 38,558 | 126,500 | 249,236 |
|  |  |  |  |  |
| **APPROPRIATIONS:** |  |  |  |  |
| Capital Improvements |  | 12,000 |  |  |
| CCAP | 35,000 |  |  |  |
| Demolition | 20,000 |  |  |  |
| Grant(s) Match |  |  |  | 249,236 |
| Equipment |  |  |  |  |
| Bonds |  |  |  |  |
|  |  |  |  |  |
| TIF Payment |  |  | 125,000 |  |
|  |  |  |  |  |
| **Total Appropriations** | 55,000 | 12,000 | 125,000 | 249,236 |
|  |  |  |  |  |
| **Excess of resources over/under appropriations** | 696,431 | 26,558 | 1,500 | 0 |
| Transfers to other funds |  |  |  |  |
| **Estimated fund balances** | 696,431 | 26,558 | 1,500 | 0 |

## Section II. This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded and published and become law at the earliest possible time.

Passed by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: 6/16/2020

Second Reading:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MAYOR BEN BAKER

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONNA LEGER

CITY CLERK/TREASURER

# CITY OF DAYTON, KENTUCKY

**ORDINANCE NO. 2020-#7**

**AN ORDINANCE AMENDING THE CITY OF DAYTON, KENTUCKY'S ANNUAL BUDGET FOR FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, & ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE CITY TO THE FULL EXTENT AUTHORIZED BY KRS 82.082 AND INTERPRETATIVE CASE LAW.**

**BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

## Section I: That the annual budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020 to estimate revenues and resources and appropriate funds for the City to the full extent authorized by KRS 82.082 and interpretative case law, is hereby adopted as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Resource Available** | **General Fund** | **Municipal Road Aid** | **Parks** |
| **Fund Balance Forward** | ~~290,528~~ 190,000 | 114,963 | 47,074 |
|  |  |  |  |
| **ESTIMATED REVENUES:** |  |  |  |
| Transfers from other Accounts/Funds |  |  |  |
| Property Tax | 1,597,200 |  | 100,000 |
| Licenses and Permits | 1,397,400 |  |  |
| Intergovernmental | 72,700 | 110,000 |  |
| Fines & Penalties | 85,000 |  |  |
| Charges for Services | 411,250 |  |  |
| Other | 1,561,660 |  | 2,000 |
| Interest | 30,000 | 700 | 200 |
| **Total Estimated Revenue** | 5,155,210 | 110,700 | 102,200 |
|  |  |  |  |
| **Total Resources Available for Appropriation** | ~~5,445,738~~ | 225,663 | 149,274 |
|  | 5,345,210 |  |  |
| **APPROPRIATIONS:** |  |  |  |
| General Government | ~~516,559~~ 523,843 |  |  |
| Police Department | ~~1,394,674~~1,436,161 |  |  |
| Fire Department | 964,382 |  |  |
| Public Works | ~~361,096~~ 362,506 | 30,000 | 65,000 |
| Building Services | ~~80,286~~ 87,474 |  |  |
| Waste Collection | 225,000 |  |  |
| Professional Services | ~~1,823,275~~ 1,664,321 | 195,663 |  |
| Main Street | ~~80,466~~ 81,523 |  |  |
| Park Salary |  |  | 12,500 |
| Utilities/Operations |  |  | 20,600 |
| Repair/Maintenance |  |  | 10,500 |
| Miscellaneous |  |  | 1,000 |
| **Total Appropriations** | ~~5,445,738~~ | 225,663 | 109,600 |
|  | 5,345,210 |  |  |
| **Excess of resources over/under appropriations** | 0 | 0 | 39,674 |
| Transfers to other funds | 0 | 0 |  |
| **Estimated fund balances** | 0 | 0 | 39,674 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Resource Available** | **Economic Development** | **Sargeant Park Trust Fund** | **TIF** | **Capital Outlay** |
| **Fund Balance Forward** | 798,198 | 38,358 | 1,500 | 0 |
|  |  |  |  |  |
| **ESTIMATED REVENUES:** |  |  |  |  |
| Transfers from other Accounts/Funds |  |  |  |  |
| Transfers from Reserves |  |  |  | 465,232 |
| Charges for Services |  |  |  |  |
| Land Sale Payment |  |  |  |  |
| Other (Taxes/Interest) | 1,000 | 200 | 125,000 |  |
| Intergovernmental | 0 |  |  |  |
| **Total Estimated Revenue** | 1,000 | 200 | 125,000 |  |
|  |  |  |  |  |
| **Total Resources Available for Appropriation** | 799,198 | 38,558 | 126,500 | 465,232 |
|  |  |  |  |  |
| **APPROPRIATIONS:** |  |  |  |  |
| Capital Improvements | 250,000 | 12,000 |  | 135,000 |
| CCAP | 63,616 |  |  |  |
| Demolition | 20,000 |  |  |  |
| Grant(s) Match |  |  |  | 234,000 |
| Equipment |  |  |  | 96,232 |
| Bonds |  |  |  |  |
|  |  |  |  |  |
| TIF Payment |  |  | 125,000 |  |
|  |  |  |  |  |
| **Total Appropriations** | 333,616 | 12,000 | 125,000 | 465,232 |
|  |  |  |  |  |
| **Excess of resources over/under appropriations** | 465,582 | 26,558 | 1,500 | 0 |
| Transfers to other funds |  |  |  |  |
| **Estimated fund balances** | 465,582 | 26,558 | 1,500 | 0 |

## Section II. This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded and published and become law at the earliest possible time.

Passed by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: 6/16/2020

Second Reading:

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MAYOR BEN BAKER

ATTEST:

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DONNA LEGER

CITY CLERK/TREASURER

**Order:**

**CITY OF DAYTON, KENTUCKY**

**RESOLUTION-2020#7R**

**A RESOLUTION SUPPORTING AND ADOPTING THE CITY POST COVID-19 RECOVERY PLAN.**

**WHEREAS**, the COVID-19 pandemic has had a significant impact across the City of Dayton; and

**WHEREAS**, the City desires to plan and work towards recovery for the health, safety and welfare of all its citizens.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council that the City of Dayton is supports and adopts the City of Dayton Post COVID-19 Recovery Plan attached hereto and incorporated herein.

Approved and adopted at a regular meeting of the City of Dayton on the 16th day of June 2020.

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MAYOR BEN BAKER

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONNA LEGER

CITY CLERK/TREASURER

Motion by Member Lynn, seconded by Member Volter to approve Order 2020#7R as read.

Comments:

Member Beseler questioned when does the city determine that COVID-19 is over? City Adm. Giffen stated at this point; there is no definitive end date. Most likely when the state and city lift the emergency orders. There is a potential for this virus to last awhile. As this situation evolves in the coming weeks, months, or years, this order will help the administration and city council adopt anything that council might find necessary to help the city.

ROLL CALL:

Member Beseler Aye Member Lynn Aye

Member Cornett Aye Member Volter Aye

Member Burns Aye Member Neary Aye

Motion carried- so ordered.

City Administrator’s Report:

At Manhattan Harbour, the groundbreaking will begin soon. The first phase will be single-family attached homes. The second and third phases of the development will be five and eight family units. This is what the city worked on last year. We worked with the school board and with the developer on this project. The momentum is finally picking up. Member Neary questioned if the variances on the setbacks have been resolved that the developer requested from council a while ago? City Adm. Giffen said it had been resolved, but it is no longer necessary based on the discussion I had with the developer a while ago. The developer cannot do anything in those areas as it pertains to building on our land. If the developer requires the land, then I will discuss it with council.

Member Burns asked about the O'Fallon apartments. City Adm. Giffen said the developer is expecting to start leasing in the next month.

Member Volter stated that Ervin Terrace looks excellent, but the way the citizens were treated during the water company's process was not right. There were no parking signs posted for two days, and the citizens moved their cars, but no one showed up. The next day, the residents woke up at 7:30 am to a knocking on their doors to move their vehicles. Also, the company dumped trash in the residents' trash cans, and families could not return to their homes until ten hours later. The job looks good, but the communication during this process was horrible. Mayor Baker appreciates the concern and said if there were any communication issues, he would take the blame. In the last hour of milling, a significant issue was uncovered, which delayed the project another day. Member Volter requested the city to write a letter to the citizens on Ervin Terrace, apologizing for the inconvenience. Mayor Baker asked City Adm. Giffen to get the letter done.

Member Neary asked if the city were to have a big rainstorm on Ervin Terrace; what remedies can the city do, and how quickly from SD1, the paving company, or the city can we see results? City Adm. Giffen said it is tough to say. The city will need to monitor the situation. The city and SD1 came in when the water company was going to open the road. The city thought it would be an excellent opportunity to work with SD1 to improve the stormwater issues. We are hoping that this work would help improve the problem of stormwater run-off in this area. The utility companies cannot do anything. The city would need to look at the issue to see how to improve the situation. As far as everything they put into the design, the city would not have much of a fight with the utility companies to do the work. Still, if an issue were to evolve, affecting the flow of the water negatively, we could approach the utility companies and ask them to fix the problem. Hopefully, with all the work that was done along the water main areas and areas where the road was washed out from flooding, the issues are resolved.

Member Neary was under the impression that every water connection going to each property and each sanitary connection at Belmont and Tenth Avenue were replaced under the road. City Adm. Giffen stated that SD1 was not a part of this project; they just saw the opportunity with the road being exposed to perform some necessary road work. This is what lead to the delay of the project taking as long as it did. An alternative was the water company would come in and do the work and have the road repaved by December, and it would look great, but then the city and SD1 at a later date would have to reopen the road and cause an uneven surface on a newly repaved road. SD1 did identify several properties that were at the bottom of Ervin Terrace that had inadequate lateral lines, and that is what was repaired. The repairs from SD1 were a select few properties, while the water main was every house.

Comments:

Mayor Baker stated that the first reading of the budget would be posted on the website, and the city will be doing further updates to the website for transparency purposes. If anyone has any questions, please go to [info@daytonky.com](mailto:info@daytonky.com).

Adjournment:

Motion by Member Volter, seconded by Member Lynn, to adjourn the meeting. Motion carried- so ordered.

Tiffany Myers

Assistant Clerk/Treas.

Donna Leger

Clerk/Treas.

ATTEST:

Ben Baker

Mayor